

55 FEB 01 11:01

1995 FEB 01 11:01

Licensing & Administrative Procedures

Cynthia Gerhardt

Chief Clerk of the House

FILED FEB 21 1995

By

TORRES

H.B. No. 1541

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition of the sale or transfer of certain plumbing fixtures.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 14, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended by adding Subsection (f) to read as follows:

(f) A person or other entity may not sell, donate, or transfer a water closet plumbing fixture that may permit siphonage or backflow of the contents of a toilet bowl back into the flush tank. The board shall adopt rules under this subsection that include a list of the types of plumbing fixtures to which this subsection applies.

SECTION 2. (a) This Act takes effect September 1, 1995.

(b) The change in law made by Section 1 of this Act applies only to a plumbing fixture sold, donated, or transferred on or after January 1, 1996.

(c) The Texas State Board of Plumbing Examiners shall adopt rules under this Act not later than January 1, 1996.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

HOUSE COMMITTEE REPORT

1st Printing

HOUSE OF REPRESENTATIVES

By Torres

H.B. No. 1541

A BILL TO BE ENTITLED

AN ACT

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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SECTION 2. (a) This Act takes effect September 1, 1995.

(b) The change in law made by Section 1 of this Act applies only to a plumbing fixture sold, donated, or transferred on or after January 1, 1996.

(c) The Texas State Board of Plumbing Examiners shall adopt rules under this Act not later than January 1, 1996.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

COMMITTEE AMENDMENT NO. 1

Amend House Bill 1541 by striking Subsection (f) in SECTION 1 beginning on line 8 and substituting the following:

(f) A person, corporation, or other entity may not sell, donate, or transfer a water closet plumbing fixture or other equipment that uses water that does not comply with a state-approved plumbing code and that may permit the backflow of nonpotable substances into the potable water supply. The board shall adopt rules under this subsection that include a list describing the types of plumbing fixtures to which this subsection applies.

Jones of Lubbock

COMMITTEE REPORT

The Honorable Pete Laney
Speaker of the House of Representatives

4-26-95
(date)

Sir:

We, your COMMITTEE ON LICENSING AND ADMINISTRATIVE PROCEDURES

to whom was referred HB 1541 have had the same under consideration and beg to report back with the recommendation that it

() do pass, without amendment.

(X) do pass, with amendment(s).

() do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

(X) yes () no A fiscal note was requested.

() yes (X) no A criminal justice policy impact statement was requested.

() yes (X) no An equalized educational funding impact statement was requested.

() yes (X) no An actuarial analysis was requested.

() yes (X) no A water development policy impact statement was requested.

(X) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

Joint Sponsors _____ / _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Wilson, Ch.	X			
Kubiak, V.C.				X
Brimer				X
Dear				X
Goolsby	X			
Jones, D.	X			
Pickett	X			
Torres	X			
Yarbrough	X			

Total

6 aye

2 nay

2 present, not voting

3 absent

Don Wilson
CHAIRMAN

BILL ANALYSIS

Licensing & Administrative Procedures Committee
H.B. 1541
By: Torres
4-26-95
Committee Report (Amended)

BACKGROUND

A water closet plumbing fixture that permits siphonage or backflow, has the potential to contaminate the potable drinking water of a home or facility, and thereby threaten the health and safety of those who must rely on that water.

PURPOSE

HB 1541 would prohibit the sale, donation, or transfer of a water closet plumbing fixture that permits siphonage or backflow into the flush tank.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill grants additional rulemaking authority to the Board of Plumbing Examiners in SECTION 1 and SECTION 2 of the bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 14, Plumbing License Law (Art. 6243-101, V.T.C.S.). Prohibits the sale, donation, or transfer of a water closet plumbing fixture that permits siphonage or backflow of the contents of a toilet bowl back in the flush tank. Also requires the Board to adopt rules regarding applicable fixtures.

SECTION 2. Effective Date: September 1, 1995. Change in law applies to fixtures sold, donated, or transferred after January 1, 1996. Requires Board of Plumbing to adopt rules under this act by January 1, 1996.

SECTION 3. Emergency Clause.

EXPLANATION OF AMENDMENTS

Committee Amendment #1 adds that a person corporation, or other entity may not sell, donate or transfer a water closet plumbing fixture or other equipment that uses water that does not comply with a state-approved plumbing code, and that permits the backflow of nonpotable substances into the potable water supply. Requires the Board of Plumbing Examiners to adopt rules that include a list describing types of fixtures this subsection applies to.

SUMMARY OF COMMITTEE ACTION

HB 1541 was heard in a Public Hearing on April 26, 1995. The Chair laid out HB 1541 and recognized the author, Rep. Torres to explain the bill. Rep. Jones offered an amendment, and moved that the full committee adopt Committee Amendment #1. There was no objection. Rep. Yarbrough moved that the full committee adopt HB 1541 as amended, and that it be reported favorably to the full House with the recommendation that it do pass and be printed, and placed on the Local and Consent Calendar. The motion prevailed by the following vote: AYES: 6, NAYS: 0, ABSENT: 3.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
74th Regular Session

April 25, 1995

TO: Honorable Ron Wilson, Chair
Committee on Licensing & Administrative
Procedures
House of Representatives
Austin, Texas

IN RE: House Bill No. 1541
By: Torres

FROM: John Keel, Director

In response to your request for a Fiscal Note on House Bill No. 1541 (Relating to the prohibition of the sale or transfer of certain plumbing fixtures.) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

Source: LBB Staff: JK, DF

2

LIST OF HOUSE AMENDMENTS CONSIDERED

HB1541.2 - Second Reading

AMENDMENT #	AUTHOR	DESCRIPTION	ACTION
1	Jones, D.	Comm Amdt	Adopted

FLOOR AMENDMENT NO. 1

COMMITTEE AMENDMENT NO. 1

BY: 

Amend House Bill 1541 by striking Subsection (f) in SECTION 1 beginning on line 8 and substituting the following:

(f) A person, corporation, or other entity may not sell, donate, or transfer a water closet plumbing fixture or other equipment that uses water that does not comply with a state-approved plumbing code and that may permit the backflow of nonpotable substances into the potable water supply. The board shall adopt rules under this subsection that include a list describing the types of plumbing fixtures to which this subsection applies.

ADOPTED

MAY 12 1995


Chief Clerk
House of Representatives

HOUSE ENGROSSMENT

By Torres

H.B. No. 1541

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition of the sale or transfer of certain plumbing fixtures.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 14, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended by adding Subsection (f) to read as follows:

(f) A person, corporation, or other entity may not sell, donate, or transfer a water closet plumbing fixture or other equipment that uses water that does not comply with a state-approved plumbing code and that may permit the backflow of nonpotable substances into the potable water supply. The board shall adopt rules under this subsection that include a list describing the types of plumbing fixtures to which this subsection applies.

SECTION 2. (a) This Act takes effect September 1, 1995.

(b) The change in law made by Section 1 of this Act applies only to a plumbing fixture sold, donated, or transferred on or after January 1, 1996.

(c) The Texas State Board of Plumbing Examiners shall adopt rules under this Act not later than January 1, 1996.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the

H.B. No. 1541

1 constitutional rule requiring bills to be read on three several
2 days in each house be suspended, and this rule is hereby suspended.

H.B. No. 1541

- 1 constitutional rule requiring bills to be read on three several
- 2 days in each house be suspended, and this rule is hereby suspended.

1 By: Torres (Senate Sponsor - Gallegos) H.B. No. 1541
2 (In the Senate - Received from the House May 15, 1995;
3 May 16, 1995, read first time and referred to Committee on
4 Intergovernmental Relations; May 19, 1995, reported adversely, with
5 favorable Committee Substitute by the following vote: Yeas 8, Nays
6 0; May 19, 1995, sent to printer.)

7 COMMITTEE SUBSTITUTE FOR H.B. No. 1541

By: Gallegos

8 A BILL TO BE ENTITLED
9 AN ACT

10 relating to certain work that may be performed without a plumbing
11 license and the prohibition of the sale or transfer of certain
12 plumbing fixtures.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

14 SECTION 1. Section 14, The Plumbing License Law (Article
15 6243-101, Vernon's Texas Civil Statutes), is amended by adding
16 Subsection (f) to read as follows:

17 (f) A person, corporation, or other entity may not sell,
18 donate, or transfer a water closet plumbing fixture or other
19 equipment that uses water that does not comply with a
20 state-approved plumbing code and that may permit the backflow of
21 nonpotable substances into the potable water supply. The board
22 shall adopt rules under this subsection that include a list
23 describing the types of plumbing fixtures to which this subsection
24 applies.

25 SECTION 2. Section 3, The Plumbing License Law (Article
26 6243-101, Vernon's Texas Civil Statutes), is amended to read as
27 follows:

28 Sec. 3. ACTS PERMITTED WITHOUT A LICENSE. The following
29 acts, work and conduct shall be expressly permitted without
30 license:

31 (a) Plumbing work done by a property owner in a building
32 owned or occupied by him as his homestead;

33 (b) ~~Plumbing--work--done--outside--the--municipal--limits--of--any~~
34 ~~organized--city,--town--or--village--in--this--state,--or--within--any--such~~
35 ~~city,--town--or--village--of--less--than--five--thousand--(5,000)~~
36 ~~inhabitants,--unless--required--by--ordinance--in--such--city,--town--or~~
37 ~~village--of--less--than--five--thousand--(5,000)--inhabitants;~~

38 ~~[(c)]~~ Plumbing work done by anyone who is regularly employed
39 as or acting as a maintenance man or maintenance engineer,
40 incidental to and in connection with the business in which he is
41 employed or engaged, and who does not engage in the occupation of a
42 plumber for the general public; construction, installation and
43 maintenance work done upon the premises or equipment of a railroad
44 by an employee thereof who does not engage in the occupation of a
45 plumber for the general public; and plumbing work done by persons
46 engaged by any public service company in the laying, maintenance
47 and operation of its service mains or lines to the point of
48 measurement and the installation, alteration, adjustment, repair,
49 removal and renovation of all types of appurtenances, equipment and
50 appliances, including doing all that is necessary to render the
51 appliances useable or serviceable; appliance installation and
52 service work done by anyone who is an appliance dealer or is
53 employed by an appliance dealer, and acting as an appliance
54 installation man or appliance service man in connecting appliances
55 to existing piping installations; water treatment installations,
56 exchanges, services, or repairs. Provided, however, that all work
57 and service herein named or referred to shall be subject to
58 inspection and approval in accordance with the terms of all local
59 valid city or municipal ordinances;

60 ~~(c)~~ ~~[(d)]~~ Plumbing work done by a licensed irrigator or
61 licensed installer when working and licensed under Chapter 197,
62 Acts of the 66th Legislature, Regular Session, 1979 (Article 8751,
63 Vernon's Texas Civil Statutes). A person holding a valid license
64 from the Texas State Board of Plumbing Examiners shall not be
65 required to be licensed by any other board or agency when
66 installing or working on a lawn irrigation system;

67 ~~(d)~~ ~~[(e)]~~ Plumbing work done by an LP Gas installer when
68 working and licensed under Chapter 113, Natural Resources Code~~[7--as~~

1 amended].

2 SECTION 3. (a) This Act takes effect September 1, 1995.

3 (b) The change in law made by Section 1 of this Act applies
4 only to a plumbing fixture sold, donated, or transferred on or
5 after January 1, 1996.

6 (c) The Texas State Board of Plumbing Examiners shall adopt
7 rules under this Act not later than January 1, 1996.

8 SECTION 4. The importance of this legislation and the
9 crowded condition of the calendars in both houses create an
10 emergency and an imperative public necessity that the
11 constitutional rule requiring bills to be read on three several
12 days in each house be suspended, and this rule is hereby suspended.

13 * * * * *

FAVORABLY AS SUBSTITUTED
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 1541
By Torres / Gallegos
(Author/Senate Sponsor)
5/19/95
(date)

We, your Committee on INTERGOVERNMENTAL RELATIONS, to which was referred the attached measure, have on 5/19/95 (date of hearing), had the same under consideration and I am instructed to report it back with the recommendation (s) that it:

- ☒ do pass as substituted, and be printed
☐ the caption remained the same as original measure
☒ the caption changed with adoption of the substitute

☐ do pass as substituted, and be ordered not printed

☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☒ yes ☐ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Ellis, Chair	<input checked="" type="checkbox"/>			
Leedom, Vice-Chair	<input checked="" type="checkbox"/>			
Cain	<input checked="" type="checkbox"/>			
Gallegos	<input checked="" type="checkbox"/>			
Galloway	<input checked="" type="checkbox"/>			
Madla	<input checked="" type="checkbox"/>			
Patterson			<input checked="" type="checkbox"/>	
Rosson	<input checked="" type="checkbox"/>			
Shapiro			<input checked="" type="checkbox"/>	
Wentworth			<input checked="" type="checkbox"/>	
Whitmire	<input checked="" type="checkbox"/>			
TOTAL VOTES	8	0	3	0

COMMITTEE ACTION

S260 Considered in public hearing
S270 Testimony taken

Amy Keller
COMMITTEE CLERK

Ken Selman
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill along with TWO copies of the Committee Substitute
Retain one copy of this form for Committee files

BILL ANALYSIS

Senate Research Center

H.B. 1541
By: Torres (Gallegos)
Intergovernmental Relations
05-18-95
Engrossed

BACKGROUND

A water closet plumbing fixture that permits siphonage or backflow has the potential to contaminate the potable drinking water of a home or facility, and thereby threaten the health and safety of those who must rely on the water.

PURPOSE

As proposed, H.B. 1541 prohibits a person, corporation, or other entity from selling, donating, or transferring a water closet plumbing fixture that does not comply with a state-approved plumbing code.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is granted to the Texas State Board of Plumbing Examiners under SECTION 1 (Article 6243-101(f), V.T.C.S.) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 6243-101, V.T.C.S., by adding Subsection (f), to provide that a person, corporation, or other entity may not sell, donate, or transfer a water closet plumbing fixture or other equipment that uses water that does not comply with a state-approved plumbing code and that may permit the backflow of nonpotable substances into the potable water supply. Requires the Texas State Board of Plumbing Examiners to adopt rules under this subsection that include a list describing the types of plumbing fixtures to which this subsection applies.

SECTION 2. (a) Effective date: September 1, 1995.

(b) Makes application of this Act prospective beginning January 1, 1996.

(c) Requires the Texas State Board of Plumbing Examiners to adopt rules under this Act not later than January 1, 1996.

SECTION 3. Emergency clause.

BILL ANALYSIS

Senate Research Center

C.S.H.B. 1541
By: Torres (Gallegos)
Intergovernmental Relations
5-22-95
Senate Committee Report (Substituted)

BACKGROUND

A water closet plumbing fixture that permits siphonage or backflow has the potential to contaminate the potable drinking water of a home or facility, and thereby threaten the health and safety of those who must rely on the water.

PURPOSE

As proposed, C.S.H.B. 1541 prohibits a person, corporation, or other entity from selling, donating, or transferring a water closet plumbing fixture that does not comply with a state-approved plumbing code.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is granted to the Texas State Board of Plumbing Examiners under SECTION 1 (Article 6243-101(f), V.T.C.S.) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 14, Article 6243-101, V.T.C.S., by adding Subsection (f), to provide that a person, corporation, or other entity may not sell, donate, or transfer a water closet plumbing fixture or other equipment that uses water that does not comply with a state-approved plumbing code and that may permit the backflow of nonpotable substances into the potable water supply. Requires the Texas State Board of Plumbing Examiners to adopt rules under this subsection that include a list describing the types of plumbing fixtures to which this subsection applies.

SECTION 2. Amends Section 3, Article 6243-101, as follows:

Sec. 3. ACTS PERMITTED WITHOUT A LICENSE. (a) Makes no changes.

(b) Deletes a provision permitting, without a permit, plumbing work to be done outside the municipal limits of a city, town, or village, or within the municipality limits of a city, town, or village of less than 5,000 inhabitants. Redesignates existing Subsection (c).

(c) and (d) Redesignate existing Subsections (d) and (e).

SECTION 3. (a) Effective date: September 1, 1995.

(b) Makes application of this Act prospective beginning January 1, 1996.

(c) Requires the Texas State Board of Plumbing Examiners to adopt rules under this Act not later than January 1, 1996.

SECTION 4. Emergency clause.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
74th Regular Session

May 18, 1995

TO: Honorable Rodney Ellis, Chair
Committee on Intergovernmental Relations
Senate
Austin, Texas

IN RE: House Bill No. 1541,
as engrossed
By: Torres

FROM: John Keel, Director

In response to your request for a Fiscal Note on House Bill No. 1541 (Relating to the prohibition of the sale or transfer of certain plumbing fixtures.) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

Source: LBB Staff: JK, RS, RR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
74th Regular Session

April 25, 1995

TO: Honorable Ron Wilson, Chair
Committee on Licensing & Administrative
Procedures
House of Representatives
Austin, Texas

IN RE: House Bill No. 1541
By: Torres

FROM: John Keel, Director

In response to your request for a Fiscal Note on House Bill No. 1541 (Relating to the prohibition of the sale or transfer of certain plumbing fixtures.) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

Source: LBB Staff: JK, DF

----- NOTE -----

Subject: HB1541 (BILL NO.) WITNESS - INTERGOVERNMENTAL RELATIONS

Revised: _ WITNESS FORM

74th Legislature

COMMITTEE: Intergovernmental Relations

BILL: HB1541_____

DATE: 05 19 95

		FOR	AGAINST	ON
Name:	Ron Hobbs			
Representing:	Assoc. Plum/Heat/Cool Contract			
City:	San Antonio	x	-	-
Name:	Robert Maxwell			
Representing:	Tx St. Bd. of Plumbing Examine			
City:	Austin	-	-	x
Name:				
Representing:				
City:		-	-	-
Name:				
Representing:				
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Representing:				
City:		-	-	-
Name:				
Representing:				
City:		-	-	-

----- NOTE -----
Subject: HB2541_ (BILL NO.) WITNESS - INTERGOVERNMENTAL RELATIONS
Revised: _ WITNESS FORM
74th Legislature

COMMITTEE: Intergovernmental Relations
BILL: HB2541
DATE: 05 19 95

		FOR	AGAINST	ON
Name:	Exec. Dir. Richard Blackmon			
Representing:	Assoc. Plum/Heat/Cool Contract			
City:	Brookshire	x	-	-
Name:				
Representing:				
City:		-	-	-
Name:				
Representing:				
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Name:				
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City:		-	-	-

PART _ OF _

<<<<===== END OF FORM =====>>>>

From: S7520A5 --TXLCNJE Date and time 05/19/95 18:50:05
*** Resending note of 05/19/95 14:04

----- NOTE -----
Subject: HB2541_ (BILL NO.) WITNESS - INTERGOVERNMENTAL RELATIONS
Revised: x WITNESS FORM
74th Legislature

COMMITTEE: Intergovernmental Relations
BILL: HB1541_____

DATE: 05 19 95

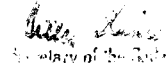
	FOR	AGAINST	ON
Name: Exec. Dir. Richard Blackmon____			
Representing: Assoc. Plum/Heat/Cool Contract			
City: Brookshire_____	x	-	-
Name: _____			
Representing: _____			
City: _____	-	-	-
Name: _____			
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Representing: _____			
City: _____	-	-	-

PART ____ OF ____

<<<<===== E N D O F F O R M =====>>>>

ADOPTED

MAY 23 1995


Secretary of the SenateBy Torres

B. No. _____

Substitute the following for H.B. No. 1541:By M. Gallegos

C.S. B. No. _____

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain work that may be performed without - a plumbing
3 license and the prohibition of the sale or transfer of certain
4 plumbing fixtures.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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7 6243-101, Vernon's Texas Civil Statutes), is amended by adding
8 Subsection (f) to read as follows:

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11 equipment that uses water that does not comply with a
12 state-approved plumbing code and that may permit the backflow of
13 nonpotable substances into the potable water supply. The board
14 shall adopt rules under this subsection that include a list
15 describing the types of plumbing fixtures to which this subsection
16 applies.

17 SECTION 2. Section 3, The Plumbing License Law (Article
18 6243-101, Vernon's Texas Civil Statutes), is amended to read as
19 follows:

20 Sec. 3. ACTS PERMITTED WITHOUT A LICENSE. The following
21 acts, work and conduct shall be expressly permitted without
22 license:

23 (a) Plumbing work done by a property owner in a building
24 owned or occupied by him as his homestead;

(b) ~~[Plumbing--work-done-outside-the-municipal-limits-of-any organized-city,-town-or-village-in-this-state,-or-within--any--such city,---town---or---village--of--less--than--five--thousand--(5,000) inhabitants,-unless-required-by-ordinance-in--such--city,-town--or village-of-less-than-five-thousand-(5,000)-inhabitants,~~

[~~(c)~~] Plumbing work done by anyone who is regularly employed as or acting as a maintenance man or maintenance engineer, incidental to and in connection with the business in which he is employed or engaged, and who does not engage in the occupation of a plumber for the general public; construction, installation and maintenance work done upon the premises or equipment of a railroad by an employee thereof who does not engage in the occupation of a plumber for the general public; and plumbing work done by persons engaged by any public service company in the laying, maintenance and operation of its service mains or lines to the point of measurement and the installation, alteration, adjustment, repair, removal and renovation of all types of appurtenances, equipment and appliances, including doing all that is necessary to render the appliances useable or serviceable; appliance installation and service work done by anyone who is an appliance dealer or is employed by an appliance dealer, and acting as an appliance installation man or appliance service man in connecting appliances to existing piping installations; water treatment installations, exchanges, services, or repairs. Provided, however, that all work and service herein named or referred to shall be subject to inspection and approval in accordance with the terms of all local valid city or municipal ordinances;

1 (c) [~~d~~] Plumbing work done by a licensed irrigator or
2 licensed installer when working and licensed under Chapter 197,
3 Acts of the 66th Legislature, Regular Session, 1979 (Article 8751,
4 Vernon's Texas Civil Statutes). A person holding a valid license
5 from the Texas State Board of Plumbing Examiners shall not be
6 required to be licensed by any other board or agency when
7 installing or working on a lawn irrigation system;

8 (d) [~~e~~] Plumbing work done by an LP Gas installer when
9 working and licensed under Chapter 113, Natural Resources Code[~~7~~-as
10 amended].

11 SECTION 3. (a) This Act takes effect September 1, 1995.

12 (b) The change in law made by Section 1 of this Act applies
13 only to a plumbing fixture sold, donated, or transferred on or
14 after January 1, 1996.

15 (c) The Texas State Board of Plumbing Examiners shall adopt
16 rules under this Act not later than January 1, 1996.

17 SECTION 4. The importance of this legislation and the
18 crowded condition of the calendars in both houses create an
19 emergency and an imperative public necessity that the
20 constitutional rule requiring bills to be read on three several
21 days in each house be suspended, and this rule is hereby suspended.

SENATE AMENDMENTS

MAY 23 PM 9:30

2nd Printing

HOUSE OF REPRESENTATIVES

By Torres

H.B. No. 1541

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition of the sale or transfer of certain plumbing fixtures.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 14, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended by adding Subsection (f) to read as follows:

(f) A person, corporation, or other entity may not sell, donate, or transfer a water closet plumbing fixture or other equipment that uses water that does not comply with a state-approved plumbing code and that may permit the backflow of nonpotable substances into the potable water supply. The board shall adopt rules under this subsection that include a list describing the types of plumbing fixtures to which this subsection applies.

SECTION 2. (a) This Act takes effect September 1, 1995.

(b) The change in law made by Section 1 of this Act applies only to a plumbing fixture sold, donated, or transferred on or after January 1, 1996.

(c) The Texas State Board of Plumbing Examiners shall adopt rules under this Act not later than January 1, 1996.

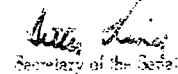
SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the

H.B. No. 1541

1 constitutional rule requiring bills to be read on three several
2 days in each house be suspended, and this rule is hereby suspended.

ADOPTED

MAY 23 1995


Secretary of the SenateBy Torres

B. No. _____

Substitute the following for H.B. No. 1541:By M. Gallegos

C.S. B. No. _____

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain work that may be performed without - a plumbing
3 license and the prohibition of the sale or transfer of certain
4 plumbing fixtures.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 14, The Plumbing License Law (Article
7 6243-101, Vernon's Texas Civil Statutes), is amended by adding
8 Subsection (f) to read as follows:

9 (f) A person, corporation, or other entity may not sell,
10 donate, or transfer a water closet plumbing fixture or other
11 equipment that uses water that does not comply with a
12 state-approved plumbing code and that may permit the backflow of
13 nonpotable substances into the potable water supply. The board
14 shall adopt rules under this subsection that include a list
15 describing the types of plumbing fixtures to which this subsection
16 applies.

17 SECTION 2. Section 3, The Plumbing License Law (Article
18 6243-101, Vernon's Texas Civil Statutes), is amended to read as
19 follows:

20 Sec. 3. ACTS PERMITTED WITHOUT A LICENSE. The following
21 acts, work and conduct shall be expressly permitted without
22 license:

23 (a) Plumbing work done by a property owner in a building
24 owned or occupied by him as his homestead;

1 (b) [~~Plumbing--work-done-outside-the-municipal-limits-of-any~~
2 ~~organized-city,-town-or-village-in-this-state,-or-within-any-such~~
3 ~~city,-town-or-village-of-less-than-five-thousand-(5,000)~~
4 ~~inhabitants,-unless-required-by-ordinance-in-such-city,-town-or~~
5 ~~village-of-less-than-five-thousand-(5,000)-inhabitants,~~

6 [tc] Plumbing work done by anyone who is regularly employed
7 as or acting as a maintenance man or maintenance engineer,
8 incidental to and in connection with the business in which he is
9 employed or engaged, and who does not engage in the occupation of a
10 plumber for the general public; construction, installation and
11 maintenance work done upon the premises or equipment of a railroad
12 by an employee thereof who does not engage in the occupation of a
13 plumber for the general public; and plumbing work done by persons
14 engaged by any public service company in the laying, maintenance
15 and operation of its service mains or lines to the point of
16 measurement and the installation, alteration, adjustment, repair,
17 removal and renovation of all types of appurtenances, equipment and
18 appliances, including doing all that is necessary to render the
19 appliances useable or serviceable; appliance installation and
20 service work done by anyone who is an appliance dealer or is
21 employed by an appliance dealer, and acting as an appliance
22 installation man or appliance service man in connecting appliances
23 to existing piping installations; water treatment installations,
24 exchanges, services, or repairs. Provided, however, that all work
25 and service herein named or referred to shall be subject to
26 inspection and approval in accordance with the terms of all local
27 valid city or municipal ordinances;

1 (c) [~~+~~~~d~~] Plumbing work done by a licensed irrigator or
2 licensed installer when working and licensed under Chapter 197,
3 Acts of the 66th Legislature, Regular Session, 1979 (Article 8751,
4 Vernon's Texas Civil Statutes). A person holding a valid license
5 from the Texas State Board of Plumbing Examiners shall not be
6 required to be licensed by any other board or agency when
7 installing or working on a lawn irrigation system;

8 (d) [~~f~~~~e~~] Plumbing work done by an LP Gas installer when
9 working and licensed under Chapter 113, Natural Resources Code[~~7~~-as
10 amended].

11 SECTION 3. (a) This Act takes effect September 1, 1995.

12 (b) The change in law made by Section 1 of this Act applies
13 only to a plumbing fixture sold, donated, or transferred on or
14 after January 1, 1996.

15 (c) The Texas State Board of Plumbing Examiners shall adopt
16 rules under this Act not later than January 1, 1996.

17 SECTION 4. The importance of this legislation and the
18 crowded condition of the calendars in both houses create an
19 emergency and an imperative public necessity that the
20 constitutional rule requiring bills to be read on three several
21 days in each house be suspended, and this rule is hereby suspended.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
74th Regular Session

May 19, 1995

TO: Honorable Rodney Ellis, Chair
Committee on Intergovernmental Relations
Senate
Austin, Texas

IN RE: Committee Substitute for
House Bill No. 1541
By: Torres

FROM: John Keel, Director

In response to your request for a Fiscal Note on House Bill No. 1541 (Relating to certain work that may be performed without a plumbing license and the prohibition of the sale or transfer of certain plumbing fixtures.) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

Source: LBB Staff: JK, RS, RR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
74th Regular Session

May 18, 1995

TO: Honorable Rodney Ellis, Chair
Committee on Intergovernmental Relations
Senate
Austin, Texas

IN RE: House Bill No. 1541,
as engrossed
By: Torres

FROM: John Keel, Director

In response to your request for a Fiscal Note on House Bill No. 1541 (Relating to the prohibition of the sale or transfer of certain plumbing fixtures.) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

Source: LBB Staff: JK, RS, RR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
74th Regular Session

April 25, 1995

TO: Honorable Ron Wilson, Chair
Committee on Licensing & Administrative
Procedures
House of Representatives
Austin, Texas

IN RE: House Bill No. 1541
By: Torres

FROM: John Keel, Director

In response to your request for a Fiscal Note on House Bill No. 1541 (Relating to the prohibition of the sale or transfer of certain plumbing fixtures.) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

Source: LBB Staff: JK, DF

CONFERENCE COMMITTEE REPORT FORM

ADOPTED *by non-record vote*

Austin, Texas

MAY 28 1995

5/26/95

Cynthia Gerhardt
Chief Clerk
House of Representatives

Date

Honorable Bob Bullock
President of the Senate

Honorable James E. "Pete" Laney
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 1541 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Gonzalo Barrientos

Senator Gonzalo Barrientos

Mario Gallegos

Senator Mario Gallegos

Senator Don Henderson

Carlos Truan

Senator Carlos Truan

Jeff Wentworth

On the part of the Senate

Senator Jeff Wentworth

Gerald Torres

Representative Gerald Torres, Chair

Jim Brimer

Representative Jim Brimer

Representative Tony Goolsby

Paul Hilbert

Representative Paul Hilbert

Ken Yarbrough

On the part of the House

Representative Ken Yarbrough

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

H.B. No. 1541

A BILL TO BE ENTITLED

AN ACT

1 relating to the prohibition of the sale or transfer of certain
2 plumbing fixtures.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 14, The Plumbing License Law (Article
5 6243-101, Vernon's Texas Civil Statutes), is amended by adding
6 Subsection (f) to read as follows:

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8 donate, or transfer a water closet plumbing fixture or other
9 equipment that uses water that does not comply with a
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11 nonpotable substances into the potable water supply. The board
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17 only to a plumbing fixture sold, donated, or transferred on or
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Side by Side Analysis
House Bill 1541/House Bill 1541 with Senate Amendments
Prohibition on sale of certain plumbing fixtures

HB 1541 ENGROSSED	HB 1541 W/SENATE AMENDMENTS	CONFERENCE COMMITTEE REPORT
SECTION 1. Amends Section 14, Plumbing License Law, by adding a new subsection (f) to prohibit the sale or transfer of certain plumbing fixtures that may permit the backflow of nonpotable substances into the potable water supply.	same	same
SECTION 2. effective date, transition language	Amends Section 3, Plumbing License Law, by repealing Sec. 3 (b).	Adopted House language.
SECTION 3. emergency clause	effective date, transition language	Adopted House language.
SECTION 4. No SECTION 4	emergency clause	No SECTION 4

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/26/95

Date

Honorable Bob Bullock
President of the Senate

ADOPTED
MAY 29 1995

Honorable James E. "Pete" Laney
Speaker of the House of Representatives

Debbie King
Secretary of the Senate

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HR 1541 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

[Signature]

Senator Gonzalo Barrientos

[Signature]

Representative Gerard Torres, Chair

[Signature]

Senator Mario Gallegos

[Signature]

Representative Fin Drimer

[Signature]

Senator Don Henderson

[Signature]

Representative Tony Goolsby

[Signature]

Senator Carlos Truan

[Signature]

Representative Paul Hilbert

[Signature]

On the part of the Senate

Senator Jeff Wentworth

[Signature]

On the part of the House

Representative Ken Yarbrough

Note to Conference Committee Clerk:

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MAY 27 1995

Filed with Secretary of the Senate

CONFERENCE COMMITTEE REPORT

H.B. No. 1541

A BILL TO BE ENTITLED
AN ACT

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Side by Side Analysis
House Bill 1541/House Bill 1541 with Senate Amendments
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SECTION 3. emergency clause	effective date, transition language	Adopted House language.
SECTION 4. No SECTION 4	emergency clause	No SECTION 4

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/26/95

Date

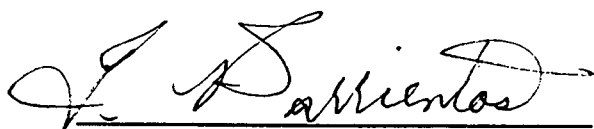
HOUSE OF REPRESENTATIVES
95 MAY 27 PM 5:51

Honorable Bob Bullock
President of the Senate

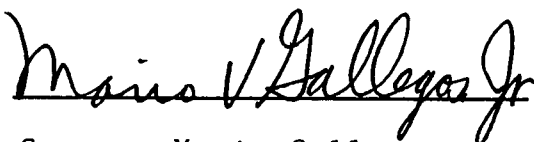
Honorable James E. "Pete" Laney
Speaker of the House of Representatives

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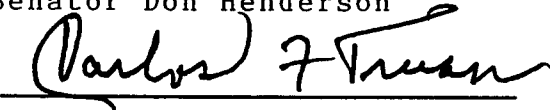


Senator Gonzalo Barrientos



Senator Mario Gallegos

Senator Don Henderson

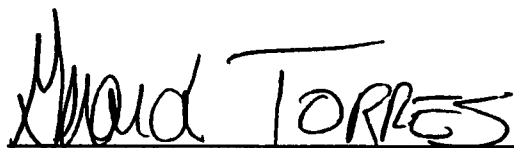


Senator Carlos Truan

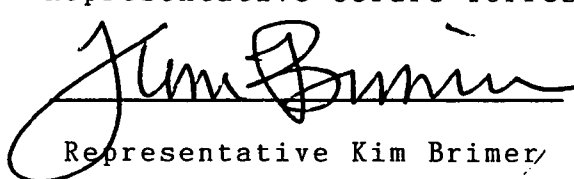


On the part of the Senate

Senator Jeff Wentworth



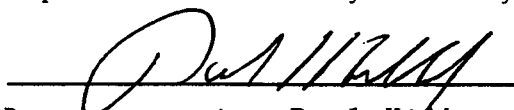
Representative Gerard Torres, Chair



Representative Kim Brimer



Representative Tony Goolsby



Representative Paul Hilbert



On the part of the House

Representative Ken Yarbrough

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CONFERENCE COMMITTEE REPORT

3rd Printing

A BILL TO BE ENTITLED

AN ACT

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3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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8 donate, or transfer a water closet plumbing fixture or other
9 equipment that uses water that does not comply with a
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11 nonpotable substances into the potable water supply. The board
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14 applies.

15 SECTION 2. (a) This Act takes effect September 1, 1995.

16 (b) The change in law made by Section 1 of this Act applies
17 only to a plumbing fixture sold, donated, or transferred on or
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20 rules under this Act not later than January 1, 1996.

21 SECTION 3. The importance of this legislation and the crowded
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SECTION 2. effective date, transition language	Amends Section 3, Plumbing License Law, by repealing Sec. 3 (b).	Adopted House language.
SECTION 3. emergency clause	effective date, transition language	Adopted House language.
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F
ENROLLED

H.B. No. 1541

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18 only to a plumbing fixture sold, donated, or transferred on or
19 after January 1, 1996.

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21 rules under this Act not later than January 1, 1996.

22 SECTION 3. The importance of this legislation and the
23 crowded condition of the calendars in both houses create an
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H.B. No. 1541

1 constitutional rule requiring bills to be read on three several
2 days in each house be suspended, and this rule is hereby suspended.

H.B. No. 1541

President of the Senate

Speaker of the House

I certify that H.B. No. 1541 was passed by the House on May 12, 1995, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 1541 on May 25, 1995, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1541 on May 28, 1995, by a non-record vote.

Chief Clerk of the House

H.B. No. 1541

I certify that H.B. No. 1541 was passed by the Senate, with amendments, on May 23, 1995, by a viva-voce vote; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1541 on May 29, 1995, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor

BILL ANALYSIS

Senate Research Center

H.B. 1541
By: Torres (Gallegos)
Intergovernmental Relations
6-19-95
Enrolled

BACKGROUND

A water closet plumbing fixture that permits siphonage or backflow has the potential to contaminate the potable drinking water of a home or facility, and thereby threaten the health and safety of those who must rely on the water.

PURPOSE

As enrolled, H.B. 1541 prohibits a person, corporation, or other entity from selling, donating, or transferring a water closet plumbing fixture that does not comply with a state-approved plumbing code.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is granted to the Texas State Board of Plumbing Examiners under SECTION 1 (Article 6243-101(f), V.T.C.S.) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 14, Article 6243-101, V.T.C.S., by adding Subsection (f), to provide that a person, corporation, or other entity may not sell, donate, or transfer a water closet plumbing fixture or other equipment that uses water that does not comply with a state-approved plumbing code and that may permit the backflow of nonpotable substances into the potable water supply. Requires the Texas State Board of Plumbing Examiners to adopt rules under this subsection that include a list describing the types of plumbing fixtures to which this subsection applies.

SECTION 2. (a) Effective date: September 1, 1995.

(b) Makes application of this Act prospective beginning January 1, 1996.

(c) Requires the Texas State Board of Plumbing Examiners to adopt rules under this Act not later than January 1, 1996.

SECTION 3. Emergency clause.

President of the Senate

Speaker of the House

I certify that H.B. No. 1541⁽¹⁾ was passed by the House on

May 12⁽²⁾

, 1995, by a non-record vote; that the

House refused to concur in Senate amendments to H.B. No. 1541 on

May 25⁽³⁾

, 1995, and requested the appointment

of a conference committee to consider the differences between the
two houses; and that the House adopted the conference committee report

on H.B. No. 1541 on May 28⁽⁴⁾, 1995, by a

non-record vote.

Chief Clerk of the House

**** Preparation: CT41;

I certify that H.B. No. 1541⁽¹⁾ was passed by the Senate,

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and that the Senate adopted the conference committee report on

H.B. No. 1541 on May 29⁽³⁾, 1995, by a viva-voce vote.

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: CT42;

H.B. No. 1541

By Torres

A BILL TO BE ENTITLED
AN ACT

Relating to the prohibition of the sale or transfer of certain plumbing fixtures.

FEB 21 1995

Filed with the Chief Clerk

FEB 23 1995

Read first time and referred to Committee on LICENSING AND ADMINISTRATIVE PROCEDURES

4-26-95

Reported favorably (as amended)
(as substituted)

MAY 03 1995

Sent to Committee on (Calendars)
(Local & Consent Calendars)

MAY 12 1995

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of yeas, nays, present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of yeas, nays, present, not voting

MAY 12 1995

Read third time ~~(amended)~~; finally passed (~~failed to pass~~) by a (non-record vote)
(record vote of yeas, nays, present, not voting)

MAY 12 1995

Engrossed

MAY 15 1995

Sent to Senate

Cynthia Gerhardt
CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

MAY 15 1995

Received from the House

MAY 16 1995

Read and referred to Committee on INTERGOVERNMENTAL RELATIONS

Reported favorably

MAY 19 1995

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

MAY 23 1995

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
 yeas, nays)

MAY 23 1995

Read second time, , and passed to third reading by (unanimous consent)
(a viva voce vote)
 yeas, nays)

MAY 23 1995

Senate and Constitutional 3 Day Rules suspended by a vote of 31 yeas, 0 nays

MAY 23 1995

Read third time, , and passed by (a viva voce vote)
 yeas, nays)

5-23-95

Returned to the House

Letty King
SECRETARY OF THE SENATE

OTHER SENATE ACTION:

MAY 23 1995

Returned from the Senate (as substituted)
(with amendments)

MAY 25 1995

House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

MAY 25 1995

House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

House conferees appointed: Tomas, Chair; Bauer

Coatsworth, Hilbert, Yarborough

MAY 26 1995

Senate granted House request. Senate conferees appointed: Gallagher, Chair;

Henderson, Isaacs, Barrientos, Wentworth

MAY 28 1995

Conference committee report adopted (~~rejected~~) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting).

MAY 29 1995

Conference committee report adopted (~~rejected~~) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)

95 MAY 23 PM 9:30

HOUSE OF REPRESENTATIVES

CLERK OF THE HOUSE